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FILED

APR 28 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Attorneys for Defendant Frederick P. Furth

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BEN FURTH, an individual,) Case No. CV-11-00071-DMR
)
Plaintiff,) **STIPULATION AND [PROPOSED]
ORDER RE: DISCOVERY**
)
vs.) CMC Date: April 28, 2011
) Time: 11:00 a.m.
) Courtroom: 4, 3rd Floor
) Judge: Magistrate Judge Donna M. Ryu
FREDERICK P. FURTH, an individual, et al.,)
)
Defendants.) Trial Date: Not Yet Set
) Complaint Filed: January 7, 2011

WHEREAS, the Complaint in this matter was filed on January 7, 2011;

WHEREAS, the Answer to the Complaint was filed on January 27, 2011;

WHEREAS, Plaintiff Ben Furth and Defendant Frederick P. Furth (the "Parties") wish to have this matter resolved expeditiously and efficiently;

NOW THEREFORE, IT IS HEREBY STIPULATED by the undersigned counsel on behalf of the Parties identified above, that the time limits of Rule 26 are hereby waived, and the Court's January 7, 2011 Order Setting Initial Case Management Conference and ADR Deadlines may be amended. ~~This stipulation, however, assumes that the Complaint filed on January 7, 2011 remains the operative complaint in this matter and that no new claims or parties are added. If any new claims or parties are added, this stipulation will become non-operative and the parties will seek to negotiate~~

1 an amended schedule to provide to the Court. Assuming that the existing claims and parties to do
2 not change, the Parties stipulate as follows:

3 1. The Parties may initiate discovery on April 28, 2011.

4 2. All written discovery, including any document requests, interrogatories, or requests
5 for admission, shall be responded to within two weeks of service and the Parties shall serve each
6 other via electronic email.

7 3. All documents that were attached to the Parties' mediation briefs submitted to Judge
8 Legge at JAMS shall be treated as if produced in this litigation.

9 4. Where document requests are served, in addition to service of a written response, the
10 parties must respond by producing actual documents within two weeks of service of the requests.

11 5. The parties will use their best efforts to resolve any objections to the written discovery
12 requests in an expeditious manner.

13 6. All discovery requests and responses, including responsive documents, shall be
14 served by email.

15 7. The Parties shall make their Initial Disclosures on or before May 16, 2011.

16 8. All discovery shall be completed by October 3, 2011.

17 9. Any expert witnesses shall be disclosed and reports served by August 1, 2011.

18 10. Any rebuttal expert witnesses shall be disclosed and reports served on or before
19 August 22, 2011.

20 11. Any dispositive motions shall be filed within 60 days of the discovery cut-off,

21 October 3, 2011.

22 12. Thereafter, the Court will set a pretrial conference, at which time other dates,
23 including, if necessary, a trial date, will be scheduled.

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1 IT IS SO STIPULATED.
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Dated: April ___, 2011 SHARTSIS FRIESE LLP

4
5 By: _____
Frank A. Cialone

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13 *Attorneys for Plaintiff Ben Furth*

14 Dated: April ___, 2011 ZELLE HOFMANN VOELBEL & MASON LLP

15
16 By: _____
Daniel S. Mason

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21 *Attorneys for Defendant Frederick P. Furth*

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23
24 I, Frank A. Cialone, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the
25 concurrence to the filing of this document has been obtained from each signatory hereto.

26
27 _____
Frank A. Cialone

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

as modified by the Court
to be consistent with the parties' agreements on the record
at the April 28, 2011
case management conference

2 Dated: 4/28, 2011



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5 The Honorable Donna M. Ryu
6 United States Magistrate Judge
7 Northern District of California
8 Oakland Division
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